



4333-15

## **DEPARTMENT OF THE INTERIOR**

### **Fish and Wildlife Service**

**[FWS-HQ-ES-2019-N068; MO# 300030113; OMB Control Number 1018-0165]**

### **Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Implementing Regulations for Petitions**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Fish and Wildlife Service (Service), are proposing to renew an information collection with revisions.

**DATES:** Interested persons are invited to submit comments on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

**ADDRESSES:** Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov); or via facsimile to (202) 395-5806. Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041-3803 (mail); or by email to [Info\\_Coll@fws.gov](mailto:Info_Coll@fws.gov). Please reference OMB Control Number 1018-0165 in the

subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Madonna L. Baucum, Service Information Collection Clearance Officer, by email at [Info\\_Coll@fws.gov](mailto:Info_Coll@fws.gov), or by telephone at (703) 358–2503. You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

On March 15, 2019, we published a *Federal Register* notice soliciting comments on this collection of information for 60 days, ending on May 14, 2019 (84 FR 9549). We received no comments in response to the *Federal Register* notice.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) is the collection necessary to the proper functions of the Service; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Service enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Service minimize the burden of this collection on the respondents, including through the

use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

*Abstract:* The Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), specifies the process by which the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (Services, we) make decisions on listing, delisting, or changing the status of a listed species, or revising critical habitat. Any interested person may submit a written petition to the Services requesting to add a species to the Lists of Endangered and Threatened Wildlife and Plants (Lists), remove a species from the Lists, change the listed status of a species, or revise the boundary of an area designated as critical habitat. The petition process is a central feature of the ESA and serves a beneficial public purpose.

## **Petitions**

Information collected from petitioners used to determine whether to list a species includes:

- (1) Petitioner's name; signature; address; telephone number; and association, institution, or business affiliation;

- (2) Scientific and any common name of the species that is the subject of the petition;
- (3) Clear indication of the administrative action the petitioner seeks (e.g., listing of a species or revision of critical habitat);
- (4) Detailed narrative justification for the recommended administrative action that contains an analysis of the supporting information presented;
- (5) Literature citations that are specific enough for the Services to locate the supporting information cited by the petition, including page numbers or chapters, as applicable;
- (6) Electronic or hard copies of supporting materials (e.g., publications, maps, reports, letters from authorities) cited in the petition;
- (7) For petitions to list, delist, or reclassify a species:
  - Information to establish whether the subject entity is a “species” as defined in the ESA;
  - Information on the current geographic range of the species, including range States or countries; and
  - Copies of notification letters to States (explained in more detail below);
- (8) Information on current population status and trends and estimates of current population sizes and distributions, both in captivity and the wild, if available;
- (9) Identification of the factors under section 4(a)(1) of the ESA that

may affect the species and where these factors are acting upon the species;

- (10) Whether any or all of the factors alone or in combination identified in section 4(a)(1) of the ESA may cause the species to be an endangered species or threatened species (i.e., place the species in danger of extinction now or in the foreseeable future), and, if so, how, including a description of the magnitude and imminence of the threats to the species and its habitat;
- (11) Information on existing regulatory protections and conservation activities that States or other parties have initiated or have put in place that may protect the species or its habitat;
- (12) For petitions to revise critical habitat:
  - Description and map(s) of areas that the current designation (a) does not include that should be included or (b) includes that should no longer be included, and the rationale for designating or not designating these specific areas as critical habitat.  
  
Petitioners should include sufficient supporting information to substantiate the requested changes, which may include GIS data or boundary layers that relate to the request, if appropriate;
  - Description of physical or biological features essential for the conservation of the species and whether they may require special management considerations or protection;
  - For any areas petitioned to be added to critical habitat within the

geographical area occupied by the species at the time it was listed, information indicating that the specific areas contain the physical or biological features that are essential to the conservation of the species and may require special management considerations or protection. The petitioner should also indicate which specific areas contain which features;

- For any areas petitioned for removal from currently designated critical habitat within the geographical area occupied by the species at the time it was listed, information indicating that the specific areas do not contain the physical or biological features that are essential to the conservation of the species, or that these features do not require special management consideration or protections; and
- For areas petitioned to be added to or removed from critical habitat that were outside the geographical area occupied by the species at the time it was listed, information indicating why the petitioned areas are or are not essential for the conservation of the species; and

(13) A complete, balanced representation of the relevant facts, including information that may contradict claims in the petition.

### **Notification of States**

For petitions to list, delist, or change the status of a species, or for

petitions to revise critical habitat, petitioners must provide notice to the State agency responsible for the management and conservation of fish, plant, or wildlife resources in each state where the species that is the subject of the petition occurs of their intention to submit a petition. This notification must be made at least 30 days prior to submission of the petition. Copies of the notification letters must be included with the petition. States may provide to the Service whatever information they want to be considered in the listing decisions.

*Title of Collection:* Implementing Regulations for Petitions, 50 CFR 424.14.

*OMB Control Number:* 1018–0165.

*Form Number:* None.

*Type of Review:* Revision of a currently approved collection.

*Respondents/Affected Public:* Individuals, private sector, and State/Tribal governments.

*Respondent's Obligation:* Required to Obtain or Retain a Benefit.

*Frequency of Collection:* On occasion.

*Total Estimated Annual Nonhour Burden Cost:* \$280.00 (for materials, printing, postage, data equipment maintenance, etc.).

| Requirement   | Annual Number of Respondents | Average Number of Responses Each | Annual Number of Responses | Average Completion Time per Response (Hours) | Estimated Annual Burden Hours |
|---|------------------------------|----------------------------------|----------------------------|--|-------------------------------|
| <b><i>Petitioner – Prepare and Submit Petitions (50 CFR 424.14(c), (d), (e), and (g))</i></b> |                              |                                  |                            |  |                               |
| Individuals   | 2                            | 1                                | 2                          | 120  | 240                           |
| Private Sector  | 11                           | 1                                | 11                         | 120  | 1,320                         |
| Government  | 1                            | 1                                | 1                          | 120  | 120                           |
| <b><i>Petitioner – Notify States (50 CFR 424)</i></b>   |                              |                                  |                            |  |                               |
| Individuals   | 20                           | 1                                | 20                         | 1  | 20                            |
| Private Sector  | 110                          | 1                                | 110                        | 1  | 110                           |
| Government  | 10                           | 1                                | 10                         | 1  | 10                            |

|                       |                   |  |                   |  |                     |
|-----------------------|-------------------|--|-------------------|--|---------------------|
| <b><i>Totals:</i></b> | <b><i>154</i></b> |  | <b><i>154</i></b> |  | <b><i>1,820</i></b> |
|-----------------------|-------------------|--|-------------------|--|---------------------|

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: July 8, 2019.

Madonna Baucum,

*Information Collection Clearance Officer, U.S. Fish and Wildlife Service.*

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